

Appendix

B

BIGHORN NATIONAL FOREST

---

Revised Land and Resource Management Plan

# Oil and Gas Leasing Stipulations

## Table of Contents

<b>APPENDIX B .....</b>	<b>B-1</b>
Introduction .....	B-1
Definition of Terms .....	B-1
Leasing Stipulations Applied to Analysis Area.....	B-2
Stipulations by Resource .....	B-3
Stipulations by Management Area .....	B-15

## Introduction

This appendix displays the stipulations applied to oil and gas leases to be consistent with Revised Plan standards and guidelines, and a short explanation of the reasons for the stipulations. This is mandated by the oil and gas regulations found in 36 CFR 228 102 (c)(1)(ii). This section also discusses the guidelines by which waivers, exceptions, or modifications may be granted.

Waivers, exceptions, or modifications will be considered in accordance with the requirements of 36 CFR 228.104. Requests for waivers, exemptions, or modifications will be considered in the environmental analysis (NEPA compliance) for an Application for Permit to Drill (APD). The Deciding Officer will make a determination based on this information.

All the following stipulations are consistent with and necessary to implement the land and resource management plan.

## Definition of Terms

- ◆ **Controlled Surface Use (CSU):** Use and occupancy is allowed (unless restricted by another stipulation), but identified resource values require special operational constraints that may modify the lease rights. CSU is used for operating guidance, not as a substitute for NSO or Timing stipulations.
- ◆ **Not Administratively Available (NAA):** Designation given to lands that have been identified in a leasing analysis as closed to leasing through the exercise of management direction.
- ◆ **No Surface Occupancy (NSO):** Use or occupancy of the land surface for fluid mineral exploration or development is prohibited to protect identified resource values.
- ◆ **Stipulation:** A provision that modifies standard lease rights and is attached to and made a part of the lease. Stipulations have been developed for the categories of: 1) No Surface Occupancy, 2) Timing Limitations or seasonal restrictions, and 3) Controlled Surface Use.

- ♦ **Timing Limitation (TL) (Seasonal Restriction):** Prohibits surface use during specified time periods to protect identified resource values. This stipulation does not apply to the operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient.

## Leasing Stipulations Applied to Analysis Area

The following stipulations have been applied to the analysis area described in Chapter 3, Oil & Gas, of the FEIS.

**No Surface Occupancy (NSO):** NSO stipulations prohibit surface occupation for exploration or development of oil and gas resources but allow the subsurface resources to be legally available so that they can be accessed by means other than occupying the surface. Leasing an area with NSO, rather than declaring it "not administratively available" for leasing, may allow development through directional drilling, if adjacent lands (public or private) are suitable for surface occupancy. NSO stipulations highly limit resource development, as technology limits the distance a well's bottomhole location can be placed from the surface location. In many cases, directional drilling is technically impossible. In all cases, directionally drilled wells are more costly than conventional drilling. While drilling and production may be more costly or prohibitive, leasing with NSO (as opposed to "no lease") does offer some exploration and development opportunities on lands where surface occupancy is prohibited. Leasing with NSO can meet Forest Service minerals policy direction to encourage development of mineral resources.

**Timing Limitation Stipulation (TL):** TL stipulations prohibit surface use during specified periods to protect identified resource values. This stipulation does not apply to the operation and maintenance of production facilities unless the analysis demonstrates the continued need for such mitigation, and less stringent, project-specific mitigation measures would be insufficient.

The TL is used to restrict drilling activities on leased lands for a period greater than 60 days. TL could increase costs if a well is not drilled and completed within time periods allowed for surface occupancy. Shutting a drilling operation down, leaving equipment idle, or mobilization of equipment to or from another site increases costs. TL may push operations into the winter, where activities on frozen ground or in frigid weather could also increase operator costs.

TL provides partial accessibility for drilling operations for a portion of the year and maintains the potential for discovery and utilization of potential oil and gas resources. TL could increase exploration costs if the window available for drilling is too narrow. Use of TL meets Forest Service national mineral policy to encourage development of mineral resources.

**Controlled Surface Use (CSU):** CSU stipulations allow use and occupancy (unless restricted by another stipulation), but identified resource values require special operational constraints that may modify the lease rights. CSU is used for operating guidance, not as a substitute for NSO or timing stipulations.

CSU stipulations are designed to identify standards operators must meet and to control drilling or production operating standards to mitigate potential adverse effects to surface resources. Such stipulations permit year-round occupancy and accessibility to leased lands. They maintain potential for discovery and utilization of oil and gas resources while providing mitigation of effects on other resources. Compliance with a CSU stipulation could increase the cost of oil and gas activities by requiring use of expensive technology to meet mitigation requirements. CSU stipulations meet Forest Service mineral policy direction to encourage development of mineral resources.

## Stipulations by Resource

### Soils with High Erosion or Geologic Hazard – NSO

Stipulation: Surface occupancy and use is prohibited on soils with high erosion or geological hazard.

Justification: Ground-disturbing activities in these areas of sensitive soils are likely to result in excessive soil movement, increased slope instability, and increased hazard of soil mass movements. Less restrictive stipulations could endanger sensitive soils, water and other resources.

Application Methodology: This stipulation is applied to specific lands with high erosion or geologic hazard greater than 40 acres in size as determined in a GIS analysis using a digital elevation model (DEM) and using the land slides GIS coverage (delineated by Jim Case, Geological Survey of Wyoming as modified from Varnes “1978” and Campbell “1985”). Rarely will an entire lease be NSO for concerns related to geologic hazard. Where these criteria exist in areas less than 40 acres, standard lease terms will provide the Forest Service with the authority needed to prohibit surface occupancy on those areas.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any areas with high erosion or geologic hazard.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include areas with high erosion or geologic hazard.

### **Slopes over 60% – NSO**

Stipulation: Surface occupancy and use is prohibited on slopes 60 percent or greater.

Justification: Ground-disturbing activities in these areas of steep slope are likely to result in excessive soil movement, increased slope instability, and increased hazard of soil mass movements. Less restrictive stipulations could endanger sensitive soils, water and other resources.

Application Methodology: Using quad maps, aerial photos, digital elevation model raster data, and field verification, this stipulation is applied to specific lands with slopes 60% and greater. Rarely will an entire lease be NSO for concerns related to slope. Where these criteria exist in areas less than 40 acres, standard lease terms will provide the Forest Service with the authority needed to prohibit surface occupancy.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any areas with slopes 60 percent or greater.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include areas with slopes 60 percent or greater.

### **Slopes 40-60% – CSU**

Stipulation: Prior to conducting any surface disturbing activities on slopes between 40 and 60 percent, the lessee or operator, unless notified to the contrary by the Forest Service, shall:

- ◆ Perform an on-site stability examination on slopes over 40% prior to designing roads or activities that remove most or all the timber canopy.
- ◆ Avoid ground-disturbing activities on unstable slopes identified during the examinations.

Justification: Ground-disturbing activities in these areas of steep slope and sensitive soil are likely to result in excessive soil movement, increased slope instability, and increased hazard of soil mass movements. Less restrictive stipulations could endanger sensitive soils, water and other resources.

Application methodology: Using quad maps, aerial photos, digital elevation model rasters, and field verification, this stipulation is applied to specific lands with slopes between 40 and 60 percent. Where these criteria exist in areas less than 40 acres, standard lease terms will provide the Forest Service with the authority needed to prohibit surface occupancy on those areas.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any areas with slopes between 40 and 60 percent.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include areas with slopes between 40 and 60 percent.

### **Hydric Soils (Cryaquolls) and Riparian Areas – CSU**

Stipulation: Controlled surface use is necessary on soils that are relatively wet or moist for a large part of the year (Cryaquolls – Map Unit 16), as they are subject to compaction from management activities. Try to locate activities and facilities away from the water's edge and outside the riparian areas, woody draws, wetlands, and floodplains. If necessary to locate facilities in these areas, then:

- ◆ Deposit no waste material (silt, sand, gravel, soil, slash, debris, chemical or other material) below high water lines, in riparian areas, in the areas immediately adjacent to riparian areas or in natural drainages (draws, land surface depressions or other areas where overland flow concentrates and flows directly into streams or lakes).
- ◆ Deposit no soil material in natural drainages.
- ◆ Locate the lower edge of disturbed or deposited soil banks outside the active floodplain.
- ◆ Stockpile no topsoil or any other disturbed soil in the active floodplain.
- ◆ Locate drilling mud pits outside riparian areas, wetlands, and floodplains. If location is unavoidable in these areas, use containerized mud systems (preferred), or seal and dike all pits to prevent leakage.

Justification: This stipulation is designed to protect saturated, hydric soils that are prone to compaction from land disturbing activities. Less restrictive stipulations could endanger sensitive soils, water, vegetation and other resources.

Application methodology: Use this stipulation in areas of saturated, hydric soils greater than 40 acres in size as described in the Soil Survey of the Bighorn National Forest (Nesser, 1986). Where these criteria exist in areas less than 40 acres, standard lease terms will provide the Forest Service with the authority needed to prohibit or modify surface occupancy on those areas.

Waivers: This stipulation may be waived if the authorized officer determines the entire leasehold no longer contains any saturated, hydric soils.

## APPENDIX B

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area do not include any saturated, hydric soils.

### **Developed Recreation Sites and Administrative Sites – NSO**

Stipulation: No surface occupancy is allowed within developed recreation sites or administrative sites.

Justification: This stipulation is necessary to protect the setting in developed sites and to maintain and enhance recreational opportunities, including the visual setting and audible and olfactory environments. Less restrictive stipulations could affect the recreation visitor experience and satisfaction. The stipulation is also necessary to preserve a safe and visually appealing work and living environment at Forest administrative sites. Less restrictive stipulations could adversely affect the work and living experience at those sites.

Application Methodology: This stipulation applies to all campgrounds, picnic areas, and trailheads and administrative sites managed by the Forest or concessionaires.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains developed recreation sites.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include developed recreation sites.

### **Resource: Bald Eagle Nests (NSO)**

Stipulation: Surface use is prohibited within ½ mile of active bald eagle nests.

Justification: For justification see the Revised Plan Chapter 1, Threatened and Endangered Species, Standard # 1. This stipulation is necessary to prevent reduced bald eagle reproductive success. Less restrictive stipulations could reduce bald eagle reproductive success.

Application Methodology: This stipulation is applied to known active bald eagle nest sites. Active bald eagle nest sites are those that have been occupied within the last 5 years. Sites may be classified as inactive following natural destruction of the site. The distance carrying a limitation on activities may be reduced in response to site-specific conditions in consultation with the U.S. Fish and Wildlife Service.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all bald eagle nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the bald eagle nest site can be maintained while conducting operations within the restricted distance for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the bald eagle nest site.

### **Resource: Lynx Habitat (Timing)**

Stipulation: Surface use is restricted within ½ mile of active lynx dens, limit access in winter months to existing designated routes, limit number of maintenance visits to minimum feasible.

Justification: For justification see the Revised Plan Chapter 1, Lynx, Human Uses, Standard # 3, Guidelines 4 and 5. This stipulation is necessary to prevent reduced lynx reproductive success. Less restrictive stipulations could reduce lynx reproductive success. This stipulation applies only to lynx habitat within Lynx Analysis Units.

Application Methodology: This stipulation is applied to known lynx dens, typically valid only for that season due to nomadic use of den sites. Sites may be classified as inactive following natural destruction of the site. The distance carrying a limitation on activities may be reduced in response to site-specific conditions in consultation with the U.S. Fish and Wildlife Service.

Waivers: This stipulation may be waived if the authorized officer determines that lynx are not currently occupying the habitat.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the lynx den site can be maintained while conducting operations within the restricted distance for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the lynx den site, in conjunction with consultation with the U.S. Fish and Wildlife Service.

### **Resource: Raptor Nests (Golden Eagle, Osprey, Peregrine Falcon, Northern Harrier, and Swainson's Hawk) (NSO)**

Stipulation: Surface occupancy and use is prohibited within 1/4 mile of the active nests of golden eagle, osprey, peregrine falcon, northern harrier, and Swainson's hawk.

Justification: For justification see the Revised Plan Chapter 1, Wildlife, Guideline # 1. This stipulation is necessary to protect nesting potential for golden eagle, northern harrier, osprey, peregrine falcon and Swainson's hawk. Disturbances of these raptors, which have perennial nests, may place unnecessary stress on these species and cause an increase in mortality. Less restrictive stipulations could reduce reproductive success.

Application Methodology: This stipulation is applied to known active nest sites of golden eagle, ferruginous hawk, osprey, peregrine falcon and Swainson's hawk. Active nest sites of these raptors are those that have been occupied within the last 7 years. Sites may be classified as inactive following natural destruction of the site. The distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the U.S. Fish and Wildlife Service.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all golden eagle, ferruginous hawk, osprey, peregrine falcon, and Swainson's hawk nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for golden eagle, northern harrier, osprey, peregrine falcon and Swainson's hawk nesting can be maintained while conducting operations within the restricted times for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the golden eagle, northern harrier, osprey, peregrine falcon and Swainson's hawk nest site.

### **Resource: Bald Eagle Foraging Habitat (Timing)**

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from February 1 through August 15 in bald eagle foraging habitat, which is defined open water and adjacent ¼ mile of land that is within 2.5 miles of a bald eagle nest. Existing uses like traffic on roads, and low intensity recreation within bald eagle foraging habitat may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the raptors use of the area.

Justification: For justification see the Revised Plan Chapter 1, Threatened, Endangered and Sensitive Species, Standard #1. This stipulation is necessary to prevent adverse impacts on feeding bald eagles during parturition. Disturbances during critical times (breeding season) may place unnecessary stress on this raptor species and cause an increase in mortality. Less restrictive stipulations could reduce bald eagle reproductive success.

Application Methodology: This stipulation is applied to open water and adjacent ¼ mile of land within 2.5 miles of active bald nest sites. Active nest sites of these raptors are those that have been occupied within the last 5 years. Sites may be classified as inactive following natural destruction of the site. The distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the U.S. Fish and Wildlife Service.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all bald eagle foraging habitat on the entire leasehold has been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for bald eagle foraging habitat can be maintained while conducting operations within the restricted times for foraging habitat.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the bald eagle foraging habitat.

### **Resource: Bald Eagle Nests (Timing)**

Stipulation: Surface use is prohibited from February 1 to August 15 within 1 mile of bald eagle nests. Existing uses like traffic on roads, river rafting, and low intensity recreation within 1 mile may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the eagles' use of the area.

Justification: For justification see the Revised Plan Chapter 1, Threatened and Endangered Species, Standard # 1. This stipulation is necessary to prevent reduced bald eagles reproductive success. Less restrictive stipulations could reduce bald eagle reproductive success.

Application Methodology: This stipulation is applied to known active bald eagle nest sites. Active bald eagle nest sites are those that have been occupied within the last 5 years. Sites may be classified as inactive following natural destruction of the site. The distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the U.S. Fish and Wildlife Service.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all bald eagle nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for bald eagle nesting can be maintained while conducting operations within the restricted times for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the bald eagle nest site.

### **Resource: Bald Eagle Winter Roosts (Timing)**

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from November 15 through March 1 within 250 yards of bald eagle winter roosts. Existing uses like traffic on roads, and low intensity recreation within 250 yards of the roost may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the raptors use of the area.

## APPENDIX B

Justification: For justification see the Revised Plan Chapter 1, Threatened, Endangered and Sensitive Species, Standard #1. This stipulation is necessary to prevent adverse impacts on wintering and migrating bald eagles. Disturbances during critical times (cold winter season) may place unnecessary stress on this raptor species and cause an increase in mortality. Less restrictive stipulations could reduce bald eagle winter survival.

Application Methodology: This stipulation is applied to known active bald eagle winter roost sites. Active roost sites of these raptors are trees or groups of trees used by bald eagle for roosting from November 15 through March 1. The distance from the roost site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the U.S. Fish and Wildlife Service.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all bald eagle winter roost sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for bald eagle winter roosting can be maintained while conducting operations within the restricted times for the roost.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the bald eagle roost site.

### **Resource: Deer and Elk Winter Range (Timing)**

Stipulation: Surface use is restricted from November 15 through April 30 on identified deer and elk winter range.

Justification: For justification see the Revised Plan Chapter 2, Management Area 5.41, Minerals Guideline #1. This stipulation is necessary to prevent increasing deer and elk winter mortality. Disturbances during critical times may place unnecessary stress on deer and elk and cause an increase in mortality. Less restrictive stipulations could cause increased deer and elk mortality.

Application Methodology: This stipulation is applied to deer and elk winter range 5.41 (Deer and Elk Winter Range). These critical habitats have been identified using Forest Service and Wyoming Game and Fish Department wildlife data.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer includes any deer or elk winter range.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for deer and elk winter range can be maintained while conducting operations within the restricted times.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include deer or elk winter range.

**Resource: Golden Eagle Nests (Timing)**

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from February 1 to July 31 within ½ miles of the golden eagle nests. Existing uses like traffic on roads, river rafting, and low intensity recreation within ½ mile of the nest may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the raptors use of the area.

Justification: For justification see the Revised Plan Chapter 1, Wildlife Guideline #1. This stipulation is necessary to prevent reduced reproductive success for golden eagle. Disturbances during critical times (breeding season) may place unnecessary stress on this raptor species and cause an increase in mortality. Less restrictive stipulations could reduce reproductive success.

Application Methodology: This stipulation is applied to known active golden eagle nest sites. Active nest sites of these raptors are those that have been occupied within the last 7 years. Sites may be classified as inactive following natural destruction of the site. The distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the U.S. Fish and Wildlife Service.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all golden eagle nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for golden eagle nesting can be maintained while conducting operations within the restricted times for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the golden eagle nest site.

**Resource: Northern Harrier Nests (Timing)**

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from April 1 to August 15 within ½ miles of the northern harrier nests. Existing uses like traffic on roads, river rafting, and low intensity recreation within ½ mile of the nest may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the raptors use of the area.

Justification: For justification see the Revised Plan Chapter 1, Wildlife Guideline #1. This stipulation is necessary to prevent reduced reproductive success for northern harrier. Disturbances during critical times may place unnecessary stress on this raptor species and cause an increase in mortality. Less restrictive stipulations could reduce reproductive success.

Application Methodology: This stipulation is applied to known active northern harrier nest sites. Nests are protected from disturbance only in the year the nest is active. Distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the U.S. Fish and Wildlife Service.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all northern harrier nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for northern harrier nesting can be maintained while conducting operations within the restricted times for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the northern harrier nest site.

### **Resource: Northern Goshawk Nests (Timing)**

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from April 1 to August 30 within ½ miles of the northern goshawk nests. Existing uses like traffic on roads, river rafting, and low intensity recreation within ½ mile of the nest may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the raptors use of the area.

Justification: For justification see the Revised Plan Chapter 1, Wildlife Guideline #1. This stipulation is necessary to prevent reduced reproductive success for northern goshawk. Disturbances during critical times may place unnecessary stress on this raptor species and cause an increase in mortality. Less restrictive stipulations could reduce reproductive success.

Application Methodology: This stipulation is applied to known active northern goshawk nest sites. Active nest sites of these raptors are those that have been occupied within the last 7 years. Sites may be classified as inactive following natural destruction of the site. Distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the U.S. Fish and Wildlife Service

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all northern goshawk nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for northern goshawk nesting can be maintained while conducting operations within the restricted times for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the northern goshawk nest site.

**Resource: Osprey and Swainson's Hawk Nests (Timing)**

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from April 1 to August 15 within ½ miles of the osprey and Swainson's hawk nests. Existing uses like traffic on roads, river rafting, and low intensity recreation within ½ mile of the nest may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the raptors use of the area.

Justification: For justification see the Revised Plan Chapter 1, Wildlife Guideline # 7. This stipulation is necessary to prevent reduced reproductive success for osprey and Swainson's hawk. Disturbances during critical times (breeding season) may place unnecessary stress on these raptor species and cause an increase in mortality. Less restrictive stipulations could reduce reproductive success.

Application Methodology: This stipulation is applied to known active osprey and Swainson's hawk nest sites. Active nest sites of these raptors are those that have been occupied within the last 7 years. Sites may be classified as inactive following natural destruction of the site. Distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the U.S. Fish and Wildlife Service.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all osprey and Swainson's hawk nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for osprey and Swainson's hawk nesting can be maintained while conducting operations within the restricted times for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the osprey and Swainson's hawk nest site.

**Resource: Peregrine Falcon Nests (Timing)**

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from March 1 to August 15 within ½ miles of the peregrine falcon. Existing uses like traffic on roads, river rafting, and low intensity recreation within ½ mile of the nest may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the raptors use of the area.

## APPENDIX B

Justification: For justification see the Revised Plan Chapter 1, Wildlife Guideline #1. This stipulation is necessary to prevent reduced reproductive success for peregrine falcon. Disturbances during critical times (breeding season) may place unnecessary stress on this raptor species and cause an increase in mortality. Less restrictive stipulations could reduce reproductive success.

Application Methodology: This stipulation is applied to known active peregrine falcon nest sites. Active nest sites of these raptors are those that have been occupied within the last 7 years. Sites may be classified as inactive following natural destruction of the site. Distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the U.S. Fish and Wildlife Service.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all peregrine falcon nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for peregrine falcon nesting can be maintained while conducting operations within the restricted times for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the peregrine falcon nest site.

### **Resource: Sharp-tailed Grouse Breeding Complexes (Timing)**

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from March 1 through June 30 within one mile of sharp-tailed grouse breeding complexes.

Justification: For justification see the Revised Plan Chapter 1, Wildlife Guideline #3. This stipulation is necessary to prevent reduced sharp-tail grouse reproductive success. Disturbances during critical times may place unnecessary stress on sharp-tailed grouse and cause an increase in mortality. Less restrictive stipulations could reduce sharp-tailed grouse reproductive success.

Application Methodology: This stipulation is applied to sharp-tailed grouse breeding complexes as identified using Forest Service and Wyoming Game and Fish Department wildlife data. The distance carrying a limitation on activities may be reduced in response to site-specific conditions and project level environmental analysis.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and there are no longer any sharp-tailed grouse breeding complexes within the leasehold or within one mile of the lease boundary.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for sharp-tailed grouse

breeding can be maintained while conducting operations within the restricted times for the breeding complex.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include sharp-tailed grouse breeding complexes and no sharp-tailed grouse breeding complexes exist within one mile of the boundary of the area being considered for modification.

### **Resource: Short-eared Owl Nests (Timing)**

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from March 1 to August 1 within ¼ miles of the short-eared owl nests. Existing uses like traffic on roads, river rafting, and low intensity recreation within ¼ mile of the nest may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the raptors use of the area.

Justification: For justification see the Revised Plan Chapter 1, Wildlife Guideline #1. This stipulation is necessary to prevent reduced reproductive success for short-eared owl. Disturbances during critical times may place unnecessary stress on this raptor species and cause an increase in mortality. Less restrictive stipulations could reduce reproductive success.

Application Methodology: This stipulation is applied to known active short-eared owl nest sites. Nests are protected from disturbance only in the year the nest is active. Distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the U.S. Fish and Wildlife Service

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all short-eared owl nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for short-eared owl nesting can be maintained while conducting operations within the restricted times for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the short-eared owl nest site.

## **Stipulations by Management Area**

The following discussion describes area wide restrictions placed on oil and gas exploration and development, based on management area direction.

### **MA 1.2 Areas Recommended for Wilderness – NSO**

Stipulation: Surface occupancy and use is prohibited in areas Recommended for Wilderness.

Justification: This stipulation is necessary to ensure that no irreversible or irretrievable changes are made to an area being considered for wilderness designation. Less restrictive stipulations could endanger the wilderness character of the area.

Application Methodology: Oil and gas leasing and development is allowed, but no surface occupancy or use is permitted. This means the mineral estate may only be accessed from adjacent areas, and activities must maintain wilderness qualities. Motorized travel for geophysical activities is prohibited, and if geophysical activities occur, portable techniques must be used.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any areas being considered for designation as wilderness.

Exceptions: No conditions for an exception are anticipated and approval of an exception would be unlikely.

Modifications: No conditions for a modification are anticipated and approval of a modification would be unlikely.

Alternative C and D-FEIS are the only alternatives with land in the analysis area allocated for recommended wilderness. Alternative C has approximately 11% of the analysis area allocated to MA 1.2 and D-FEIS holds 25%. Alternative D-FEIS would have the most effect relative to allocation of lands within this management area. For additional information, see the Oil and Gas section of FEIS Chapter 3.

### **MA 1.31 Backcountry Recreation, Nonmotorized – NSO**

Stipulation: Oil and gas leasing is allowed, but no surface occupancy is permitted in areas managed for backcountry recreation.

Justification: The NSO stipulation is required to protect the backcountry nature and experience within these undeveloped areas. Backcountry prescription areas are generally unroaded, natural appearing, and have little evidence of recent human-caused disturbance. Less restrictive stipulations could endanger the backcountry character of the area.

Application Methodology: This means the mineral estate may only be accessed from adjacent areas, and activities must maintain backcountry qualities. Motorized travel for geophysical activities is prohibited, and if geophysical activities occur, portable techniques must be used.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer includes areas devoted to backcountry recreation.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include backcountry recreation areas.

Alternative B has the most land area allocated to nonmotorized backcountry recreation (12%), followed by Alternatives D-DEIS (11%), and E (1%). Alternatives A, C, and D-FEIS have no land area within MA 1.31. For additional information, see the Oil and Gas section of FEIS Chapter 3.

### **MA 1.32 Backcountry Recreation, Nonmotorized Summer with Limited Winter Motorized Use – NSO**

Stipulation: Surface occupancy and use is prohibited in areas managed for backcountry recreation.

Justification: The NSO stipulation is required to protect the backcountry nature and experience within these undeveloped areas. Backcountry prescription areas are generally unroaded, natural appearing, and have little evidence of recent human-caused disturbance. Less restrictive stipulations could endanger the backcountry character of the area.

Application Methodology: The mineral estate may only be accessed from adjacent areas, and activities must maintain backcountry qualities. Motorized travel for geophysical activities is prohibited, and if geophysical activities occur, portable techniques must be used.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer includes areas devoted to backcountry recreation.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include backcountry recreation areas.

Alternative A is the only alternative that has land area within the analysis area allocated to backcountry recreation, nonmotorized summer use. The amount of land allocated to MA 1.32 is negligible and amounts to approximately 1% of the analysis area. For additional information, see the Oil and Gas section of FEIS Chapter 3.

### **MA 1.33 Backcountry Recreation with Limited Summer and Winter Motorized Use – NSO**

Stipulation: Surface occupancy and use is prohibited in areas managed for backcountry recreation.

Justification: The NSO stipulation is required to protect the backcountry nature and experience within these undeveloped areas. Backcountry prescription areas are generally unroaded, natural appearing, and have little evidence of recent human-caused disturbance. Less restrictive stipulations could endanger the backcountry character of the area.

Application Methodology: In these areas oil and gas leasing is allowed, but no surface occupancy is permitted. This means the mineral estate may only be accessed from adjacent areas, and activities must maintain backcountry qualities. Motorized travel for geophysical activities is prohibited, and if geophysical activities occur, portable techniques must be used.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer includes areas devoted to backcountry recreation.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include backcountry recreation areas.

Alternative A has the most acres allocated to this management area, followed by Alternatives E and D-DEIS. Alternatives B, C, D-FEIS, and E are not represented by this MA 1.33. For additional information, see the Oil and Gas section of FEIS, Chapter 3.

### **MA 1.5 National River System – Wild Rivers, Designated, and Eligible – NSO**

Stipulation: Oil and gas leasing is allowed, but no surface occupancy is permitted.

Justification: The NSO stipulation is required to protect the wild character and experience within these river corridors. National River System – Wild River areas are generally unroaded, natural appearing, and have little evidence of recent human-caused disturbance. Less restrictive stipulations could endanger the natural character of the area.

Application Methodology: This means the mineral estate may only be accessed from adjacent areas, and activities must maintain backcountry qualities. Motorized use is allowed on existing designated routes. Road construction or reconstruction is prohibited. If geophysical activities occur, existing designated travel routes or portable techniques must be used.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any areas being considered for designation for National River System designation.

Exceptions: No conditions for an exception are anticipated and approval of an exception would be unlikely.

Modifications: No conditions for a modification are anticipated and approval of a modification would be unlikely.

Alternative C has the most acres allocated to this management area (3%), followed by Alternative B (2%). Alternatives A, D-FEIS, D- DEIS, and E have no area allocated to MA 1.5, within the analysis area. For additional information, see the Oil and Gas section of FEIS Chapter 3.

### **MA 2.2 Research Natural Areas – NSO**

Stipulation: Surface occupancy and use is prohibited in existing and recommended Research Natural Areas.

Justification: This stipulation is necessary to ensure that no irreversible or irretrievable changes are made prior to a Research Natural Area Establishment Record being approved. Less restrictive stipulations could endanger the character of the area that makes it valuable as a Research Natural Area.

Application Methodology: This stipulation is applied to all areas allocated to Management Area prescription 2.2.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any areas being considered for designation as a Research Natural Area.

Exceptions: No conditions for an exception are anticipated and approval of an exception would be unlikely.

Modifications: No conditions for a modification are anticipated and approval of a modification would be unlikely.

Only Alternatives B, C, and D-DEIS have land area allocated to Research Natural Areas and the amount of area is relatively the same between all alternative, amounting to approximately 10% of the analysis area. For additional information, see the Oil and Gas section of FEIS Chapter 3.

### **MA 3.31 Backcountry Recreation, Year-round Motorized – NSO**

Stipulation: Surface occupancy and use is prohibited in areas managed for year-round motorized backcountry recreation.

Justification: The NSO stipulation is required to protect the backcountry nature and experience within these undeveloped areas. Backcountry prescription areas are generally unroaded, natural appearing, and have little evidence of recent human-caused disturbance. Less restrictive stipulations could endanger the backcountry character of the area.

Application Methodology: This stipulation is applied to areas allocated to Management Area 3.31. Less restrictive stipulations could endanger the backcountry recreation experience in these areas.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer includes areas devoted to backcountry recreation.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include backcountry recreation areas.

All Alternatives, except Alternative B, have area allocated to backcountry recreation, year-round motorized, with Alternative C having the most (31%), followed by D-DEIS (28%), D-FEIS (25%), A (2%), and E (1%). For additional information, see the Oil and Gas section of FEIS Chapter 3.

### **MA 3.4 National River System – Scenic Rivers, Designated and Eligible – NSO**

Stipulation: Surface occupancy and use is prohibited within ¼ mile of National River System, Scenic Rivers Designated and Eligible.

Justification: This stipulation is necessary to ensure that no irreversible or irretrievable changes are made to eligible Scenic River segments. Less restrictive stipulations could endanger eligibility for Scenic River designation.

Application Methodology: This stipulation is applied to areas allocated to management area prescriptions 3.4, and the mineral estate may only be accessed from adjacent areas, and activities must maintain scenic river qualities. In portions of this management area with a semi-primitive nonmotorized Recreation Opportunity Spectrum (ROS) classification, all motorized travel is prohibited. In areas with a semi-primitive motorized ROS classification, motorized travel is limited to designated routes. Road construction or reconstruction is prohibited. This means if geophysical activities occur, portable techniques must be used except in areas with semi-primitive motorized classification where motorized activities could occur on designated travel routes only.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer includes river segments eligible for Scenic River designation.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include river segments eligible for Scenic River designation.

Alternative B is the only alternative to have land area allocated to National River System-Scenic Rivers, Designated and Eligible, amounting to less than 1% of the analysis area. For additional information, see the Oil and Gas section of FEIS Chapter 3.

**MA 3.5 Plant and Wildlife Habitat Management – NSO**

Stipulation: In these areas oil and gas leasing is allowed, but no surface occupancy is permitted.

Justification: This stipulation is necessary to ensure that no irreversible or irretrievable changes are made to important plant and wildlife habitats. Less restrictive stipulations could endanger the habitat within these areas.

Application Methodology: This means the mineral estate may only be accessed from adjacent areas, and activities must minimize disturbance to wildlife. The area is managed for semi-primitive non-motorized recreation opportunities. Motorized travel is permitted on a limited, case-by-case basis to facilitate management. This means, if geophysical activities occur, motorized uses could be authorized on a limited case-by-case basis; otherwise, portable techniques must be used.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any areas being considered for plant and wildlife habitat.

Exceptions: No conditions for an exception are anticipated and approval of an exception would be unlikely.

Modifications: No conditions for a modification are anticipated and approval of a modification would be unlikely.

Under Alternatives A, B, and C, Management Area 3.5 has the most impact to oil and gas leasing because of the relatively larger amount of area allocated within these alternatives. Alternatives A, B, and C have area allocated to Special Wildlife Areas, Limited Management, with Alternative B having the most area within MA 3.5 (40%), followed by A (20%) and C (13%). There is no land area in MA 3.5 in the other alternatives. For additional information, see the Oil and Gas section of FEIS Chapter 3.

**MA 4.2 Scenery - CSU**

Stipulation: Use and occupancy is allowed (unless restricted by another stipulation), but identified resource values require special operational constraints that may modify the lease rights.

Justification: This stipulation is needed to maintain the scenic and aesthetic values as defined in the Management Area prescription Standards and Guidelines. A less restrictive stipulation could result in unacceptable scenic or aesthetic impacts to the landscape.

Application Methodology: This stipulation is applied to Management Area 4.2 prescriptions with scenic integrity objective of high or moderate. In order to meet the scenic integrity objective with high or moderate it may be necessary to modify the setting or design of proposed development activities. Use and occupancy is allowed (unless restricted by another stipulation), but identified resource values require special operational

constraints that may modify the lease rights. CSU is used for operating guidance, not as a substitute for NSO or Timing stipulations.

In areas with Revised Plan adopted Scenic Integrity Objectives (SIO) of High and Moderate, surface occupancy and use is subject to operational constraints to maintain the adopted SIO. Where the scenic integrity objective is:

- ♦ High – Surface occupancy and use is subject to operational constraints to maintain the landscape character intact. Deviations may be present but must repeat the form, line color, texture, and pattern common to the landscape character so completely and to such scale that they are not evident.
- ♦ Moderate – Surface occupancy and use is subject to operational constraints to maintain a landscape character that is no more than slightly altered. Noticeable deviations must remain visually subordinate to the landscape character being viewed.

In the other management areas identified, the high or moderate SIO applies to the entire Management Area. SIOs are defined to protect the visual resource and are defined in Agriculture Handbook #701, *Landscape Aesthetics, A Handbook for Scenery Management*, 1995, as amended.

Waivers: No conditions for a waiver are anticipated, and approval of a waiver is unlikely.

Exceptions: No conditions for an exemption are anticipated, and approval of an extension is unlikely.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines portions of the area do not include high or moderate SIO areas.

All Alternatives have areas allocated to MA 4.2, with approximately 11% of the land area allocated in Alternatives B, C, D-DEIS, and D-FEIS. Alternatives A and E have a negligible amount of effect as there is only about 1% of the area allocated to scenery objectives. For additional information, see the Oil and Gas section of FEIS Chapter 3.

### **MA 4.3 Dispersed Recreation - CSU**

Stipulation: Use and occupancy is allowed (unless restricted by another stipulation), but identified resource values require special operational constraints that may modify the lease rights.

Justification: This stipulation is needed to maintain the dispersed recreational opportunities in MA 4.3. A less restrictive stipulation could result in unacceptable impacts to those opportunities.

Application Methodology: In order to meet the dispersed recreation objective, it may be necessary to modify the setting or design of proposed development activities. Use and occupancy is allowed (unless restricted by another stipulation), but identified resource values require special operational constraints that may modify the lease rights. CSU is used for operating guidance, not as a substitute for NSO or Timing stipulations.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any do not include dispersed recreational opportunities.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include dispersed recreational opportunities.

Alternatives B, and D-DEIS are the only alternatives that have areas allocated to dispersed recreation. The amount of area allocated amounts to 4% and 2%, respectively. For additional information, see the Oil and Gas section of FEIS Chapter 3.

#### **MA 5.11 Forest Vegetation – SLT**

No stipulations are associated with MA 5.11 and standard lease terms apply.

#### **MA 5.12 Rangeland Vegetation – SLT**

No stipulations are associated with MA 5.12 and standard lease terms apply.

#### **MA 5.13 Forest Products – SLT**

No stipulations are associated with MA 5.13 and standard lease terms apply.

#### **MA 5.4 Plant and Wildlife Habitat - CSU**

Stipulation: Use and occupancy is allowed (unless restricted by another stipulation), but identified resource values require special operational constraints that may modify the lease rights.

Justification: This stipulation is necessary to ensure that no irreversible or irretrievable changes are made to important plant and wildlife habitats. Less restrictive stipulations could endanger the habitat within these areas.

Application Methodology: CSU is used for operating guidance, not as a substitute for NSO or Timing stipulations.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any areas being considered for plant and wildlife habitat.

Exceptions: No conditions for an exception are anticipated and approval of an exception would be unlikely.

Modifications: No conditions for a modification are anticipated and approval of a modification would be unlikely.

Alternatives E is the only alternative which has land areas allocated to plant and wildlife habitat. Allocating land to MA 5.4 has a large effect on oil and gas leasing decisions because of the amount of land area allocated, amounting to approximately 60%. For additional information, see the Oil and Gas section of FEIS Chapter 3.

#### **MA 5.41 Deer and Elk Winter and Parturition Rangelands – TL**

Stipulation: In these areas oil and gas leasing is allowed subject to limitations to protect deer and elk during critical wintering and parturition periods. The entire management area prohibits surface-disturbing activities on winter deer and elk rangelands from November 15 through April 30. Surface disturbing activities are also prohibited on identified parturition areas from May 1 to June 30.

Based on the stipulations described above, on rangelands with identified winter use and parturition areas, access for oil and gas activities is from July 1 through November 14.

Justification: Disturbances during critical times may place unnecessary stress on deer and elk and cause an increase in mortality. Less restrictive stipulations could cause increased deer and elk mortality.

Application Methodology: These critical habitats were identified using Forest Service and Wyoming Game and Fish Department wildlife data. Drilling activity may occur for only a limited time during the year. Activities must minimize disturbance to wildlife during critical periods on winter rangelands (November 15 - April 1), and on parturition areas (May 1 - June 30). During time periods that are not critical to deer and elk wintering and parturition, roads can be used, constructed, or reconstructed for oil and gas activities including geophysical activities in accordance with Recreation Opportunity Spectrum (ROS) classification.

The combination of short operating season due to the TL stipulation and restricted motorized travel in the semi-primitive nonmotorized and semi-primitive motorized ROS classes, limit oil and gas activities to such an extent that they are unlikely to occur.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer includes any deer or elk winter rangelands.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for deer and elk winter rangelands can be maintained while conducting operations within the restricted times.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include deer or elk winter rangelands.

All Alternatives have areas allocated to deer and elk winter range, with Alternative D-DEIS having the most acres with the TL stipulation (16%), followed by Alternatives D-FEIS (14%), A (11%), and B and C (10%). Alternative E has the least amount of land area allocated to MA 5.41 with 8%. For additional information, see the Oil and Gas section of FEIS Chapter 3.

**MA 5.5 Dispersed Recreation and Forest Products – SLT**

No stipulations are associated with MA 5.5, and standard lease terms apply.

**MA 8.21 Water Impoundments, Tie Hack Reservoir – SLT**

No stipulations are associated with MA 8.21, and standard lease terms apply.